

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL VICTORIAN,
Plaintiff,
v.
GITTERE, et al.,
Defendants.

Case No.: 2:20-cv-01972-GMN-NJK

REPORT AND RECOMMENDATION

9 On October 27, 2021, the Court ordered service to be effectuated on Defendant Jacob
10 Rowley. Docket No. 11. To date there is no indication of successful service on Defendant Rowley.
11 See Docket No. 13 (summons returned unexecuted). On May 4, 2022, the Court ordered Plaintiff
12 to show cause by May 31, 2022, why this case should not be dismissed for lack of service. Docket
13 No. 17. Plaintiff failed to comply with the Court's order. See Docket.

14 A case may be dismissed if service has not been effectuated within 90 days. Fed. R. Civ.
15 P. 4(m). To date, Plaintiff has not effectuated service or sought an extension for good cause under
16 the Federal Rules of Civil Procedure. Accordingly, the undersigned **RECOMMENDS** that
17 Defendant Rowley be **DISMISSED** without prejudice for lack of service. As no other claims
18 against other defendants remain live, *see* Docket No. 5, the undersigned further **RECOMMENDS**
19 that judgment be entered and that the case be closed.

IT IS SO ORDERED.

Dated: June 13, 2022.

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and

1 recommendation must file a written objection supported by points and authorities within fourteen
2 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
3 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
4 F.2d 1153, 1157 (9th Cir. 1991).

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